

United States District Court
District of New Jersey

UNITED STATES OF AMERICA

: HON. MADELINE COX ARLEO

v.

: CRIMINAL COMPLAINT

CARLOS VARGAS and
CARLOS ROSALES

: Magistrate No. 09-8122

I, Mark Morina, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about July 16, 2009, in the District of New Jersey and elsewhere, defendants did:

knowingly and intentionally, conspired and agreed with others to distribute and to possess with intent to distribute 500 grams or more of cocaine, a Schedule II controlled substance, contrary to Title 21, United States Code, Section 841(a) and (b)(1)(B)

In violation of Title 21, United States Code, Section 846.

I further state that I am a Special Agent with Immigration and Customs Enforcement, and that this complaint is based on the following facts:

SEE ATTACHMENT A



Mark Morina
Special Agent
Immigration and Customs Enforcement

Sworn to before me and subscribed in my presence,

July 17, 2009

Date

at

Newark, New Jersey

City and State

Honorable Madeline Cox Arleo
United States Magistrate Judge



Signature of Judicial Officer

ATTACHMENT A

I, Mark Morina, am a Special Agent with Immigration and Customs Enforcement. I am fully familiar with the facts set forth herein based on my own investigation, my discussions with other law enforcement officers, and my review of reports, documents, and items of evidence. Where statements of others are related herein, they are related in substance and in part. Since this complaint is being submitted for a limited purpose, I have not set forth each and every fact that I know concerning this investigation:

1. On or about July 13, 2009, law enforcement officers intercepted two international packages from Honduras addressed to CARLOS VARGAS at 340 Henry Street, Apartment 1, Orange, New Jersey, at the International Mail Facility at John F. Kennedy Memorial Airport located in Queens, New York. When law enforcement officers opened the packages, they found two one pound bags of coffee. Within the bags of coffee, law enforcement officers found two packages of a white powdery substance wrapped in plastic. Law enforcement officers examined the packages of white powdery substance and then field tested them for the presence of cocaine. The packages tested positive for the presence of cocaine and weighed a combined total of 1,070 grams.
2. Law enforcement officers then replaced the cocaine in the coffee bags with approximately 1000 grams of "sham" in a fashion to make it appear similar to the packages of cocaine that had been removed from the two bags of coffee. In addition, law enforcement officers attached a beacon to the sham that would permit law enforcement officers to track the location of the two packages and alert law enforcement officers when the bags of coffee would be opened.
3. On or about July 16, 2009 at approximately 10:15 a.m., law enforcement officers conducted surveillance in the area of 340 Henry Street, Apartment 1, Orange, New Jersey. At approximately 10:38 a.m., a law enforcement officer, posing as a U.S. Postal carrier, delivered the package to 340 Henry Street, Apartment 1, Orange, New Jersey. After the law enforcement officer knocked on the common entrance of the two-family dwelling located at the address, M.G.M. answered the door and stated that he was accepting packages for CARLOS VARGAS. Consequently, M.G.M. signed for and accepted the package.
4. During the next 20 minutes, law enforcement officers conducting surveillance observed M.G.M. look outside his window several times. In addition, the beacon's tone continued to notify law enforcement officers that the two packages were still within approximately one hundred feet. At approximately 11:02 a.m., a blue minivan entered the driveway of 340 Henry Street. The blue minivan remained in the driveway for approximately three minutes before it began to leave the premises. The blue minivan reentered Henry Street and headed toward South Essex Street. After the blue minivan entered South Essex Street, the beacon's signal could no longer be detected, leading law enforcement officers to believe that the two packages were no longer at the 340 Henry Street address. While on South Essex Street, the blue minivan made an illegal u-turn at approximately 11:08 a.m. At that time, law enforcement officers conducted a traffic stop of the blue minivan. The driver of the blue minivan identified himself as CARLOS VARGAS.

5. After receiving consent of CARLOS VARGAS, law enforcement officers conducted a search for the two packages and located them in a non-factory trap inside the car where CARLOS VARGAS directed them to under the driver's seat.

6. At approximately the same time, law enforcement officers observed three individuals leave the residence at 340 Henry Street, Apartment 1. Law enforcement officers detained the three individuals, one identified as CARLOS ROSALES, and returned to Apartment 1 to detain the occupant M.G.M.

7. Following M.G.M.'s arrest, he stated to law enforcement officers that on July 15, 2009, CARLOS ROSALES was on his front porch of 340 Henry Street. CARLOS ROSALES told M.G.M. that he was waiting for a package to arrive. CARLOS ROSALES asked M.G.M. to sign for a package that was scheduled to arrive at 340 Henry Street and to notify him using a cell phone that CARLOS ROSALES provided. When the two packages arrived on July 16, 2009, M.G.M. stated that he called CARLOS ROSALES using the cell phone that CARLOS ROSALES provided, and that CARLOS ROSALES responded that he would retrieve the packages immediately. M.G.M. further stated that after CARLOS ROSALES arrived in the blue minivan, CARLOS ROSALES took the two packages from M.G.M., removed the coffee bags with sham, and took them to CARLOS VARGAS. CARLOS ROSALES then provided M.G.M. with \$40 in cash for taking the packages and calling him. M.G.M. then observed CARLOS ROSALES and two other individuals depart Apartment 1 on foot.

8. Following CARLOS VARGAS's arrest, he stated to law enforcement officers that CARLOS ROSALES contacted him by telephone on the morning of July 16, 2009 to "pick up packages." CARLOS VARGAS understood that "picking up packages" meant that he was to help CARLOS VARGAS retrieve cocaine that had arrived from a foreign country. CARLOS VARGAS stated that he had conducted similar transactions on approximately four prior occasions to July 16, 2009 with CARLOS ROSALES for which CARLOS ROSALES paid him approximately \$500 for each transaction. CARLOS VARGAS also stated that CARLOS ROSALES had provided him with approximately \$6,000 to purchase the blue minivan, which CARLOS ROSALES and he knew contained a non-factory installed trap for the purposes of concealing packages of cocaine.

9. Following CARLOS ROSALES's arrest, he stated to law enforcement officers that he received a call from Honduras that he was to receive a package. He then stated that he was to be paid \$1,000 for retrieving the package. He further stated that "he didn't know what the package contained, but he knew it wasn't anything good."